

SENATE BILL

No. 57

Introduced by Senator Cox
(Coauthor: Assembly Member Niello)

February 12, 2010

An act to add Section 43705.5 to the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 57, as introduced, Cox. Heavy-duty vehicles: particulate matter and nitrous oxides.

(1) Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. The state board is required to adopt regulations to require that owners or operators of heavy-duty diesel motor vehicles perform regular inspections of their vehicles for excessive emissions of smoke, and regulations to require the utilization of emission control equipment.

This bill would impose a specified compliance schedule on any regulation adopted by the state board after December 11, 2008, that imposes Best Available Control Technology (BACT) requirements on heavy-duty diesel-fueled vehicles for particulate matter (PM) emissions and nitrous oxides (NO_x) emissions.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The State Air Resources Board has developed regulations
4 that would require retrofits or engine replacements for heavy-duty
5 diesel trucks.

6 (b) While these regulations would improve air quality by
7 reducing emissions, it is imperative that the economic costs to
8 businesses also be considered.

9 (c) It has been estimated that retrofits will cost between fifteen
10 thousand dollars (\$15,000) and thirty thousand dollars (\$30,000)
11 per truck. The cost of a new truck often exceeds one hundred
12 twenty thousand dollars (\$120,000). These costs will ultimately
13 have a significant effect on California consumers.

14 (d) In an effort to balance public health benefits and the
15 economic costs to California businesses, it is necessary for the
16 Legislature to adopt a new compliance schedule for regulations
17 voted to be adopted by the State Air Resources Board on December
18 12, 2008, that are now in Section 2025 of Title 13 of the California
19 Code of Regulations.

20 SEC. 2. Section 43705.5 is added to the Health and Safety
21 Code, to read:

22 43705.5. Any regulation adopted by the state board after
23 December 11, 2008, that imposes Best Available Control
24 Technology (BACT) requirements on heavy-duty diesel-fueled
25 vehicles for particulate matter (PM) emissions and nitrous oxides
26 (NO_x) emissions shall be implemented no earlier than the following
27 dates:

28 (a) For pre-1994 model-year engines, January 1, 2013, for PM
29 BACT and January 1, 2017, for NO_x BACT.

(b) For 1994 to 1999, inclusive, model-year engines, January 1, 2015, for both PM and NO_x BACT.

(c) For 2000 to 2002, inclusive, model-year engines, January 1, 2016, for both PM and NO_x BACT.

(d) For 2003 and 2004 model-year engines, January 1, 2014, for PM BACT and January 1, 2018, for NO_x BACT.

(e) For 2005 and 2006 model-year engines, January 1, 2015, for PM BACT and January 1, 2019, for NO_x BACT.

(f) For 2007 model-year engines, January 1, 2023, for both PM and NO_x BACT.

(g) For 2008 model-year engines, January 1, 2024, for both PM and NO_x BACT.

(h) For 2009 model-year engines, January 1, 2025, for both PM and NO_x BACT.

SEC. 3. This act addresses the fiscal emergency declared by the Governor by proclamation on January 8, 2010, pursuant to subdivision (f) of Section 10 of Article IV of the California Constitution.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to balance health benefits and economic costs in the development of air pollution regulations, it is necessary for this act to take effect immediately.

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